

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, February 24, 2014
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller—Asst. City Attorney, Capt. Muraski, Mayor Schmitt, Ald. Kocha, Ald. Wiezbiskie, and other interested parties.

NOTE: Item #9 was moved to follow Item #3

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the February 10, 2014 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the February 10, 2013 meeting. Motion carried.

4. Request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events March 16 and 17, 2014.

There were no objections from the City Attorney's or the Green Bay Police Department (GBPD).

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events March 16 and 17, 2014. The approval of the request is subject to complaint. Motion carried.

5. Application for a "Class A" Liquor License by Nicson, Inc. at 2260 Nicolet Drive. (Currently has beer only.)

There were no objections from the City Attorney Office or the Green Bay Police Department (GBPD). Atty. Mueller stated if the applicant is present he wants to make them aware that the area in which the liquor will be sold from has to be

locked after 9 p.m., surveillance must be in place, along with a signage stating individuals 21 and under will not be served. These are the additional requirements needed to obtain the liquor license.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the application for a "Class A" Liquor License by Nicson, Inc. at 2260 Nicolet Drive with the approval of proper authorities. (Currently has beer only.) Motion carried.

6. Application for a "Class A" Liquor License by C & D Shell, LLC at 1121 Radisson Street. (Currently has beer only.)

There were no objections from the City Attorney Office or the Green Bay Police Department (GBPD). Atty. Mueller stated the terms above apply to this situation as well.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for a "Class A" Liquor License by C & D Shell, LLC at 1121 Radisson Street with the approval of proper authorities. (Currently has beer only.) Motion carried.

7. Request by Ald. Tom De Wane to discuss, with possible action, the Lobbyist Registration Ordinance, §6.38.

Atty. Mueller stated that Ald. Tom De Wane couldn't attend tonight's meeting; however he requested to bring back this item which the City Attorney's Office brought forward to clarify the definition, and this Committee held it up several months ago. Added into this ordinance is language to clarify the definition that "Lobbyist" means a person, other than a full-time employee of the client, who is paid consideration by another to engage in lobbying.

Atty. Mueller stated that complaints had been received from companies asking for clarification as to who the lobbyist ordinance applies to. They wanted to know if their full-time employees, who were advocating in front of the Common Council, needed to be registered. This is something the City Attorney's Office wanted the Council to clarify. Ald. Tom De Wane is in favor of the language presented in the draft ordinance.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the amended Lobbyist Registration Ordinance, Section 6.38. Motion carried.

8. Request by Ald. Wiezbiskie to develop an ordinance similar to the City of Wausau with regards to the use of cell phones and other handheld electronic devices while driving.

Ald. Wiezbiskie stated this was brought forward because while he was plowing out his driveway he was observing traffic driving past his house and noticed 90% of the drivers were texting or talking on their cell phones. He reported that Wausau had an ordinance like this. Ald. Wiezbiskie stated that he has had several phone calls in support of this. He spoke with one cab driver that wasn't in support, stating he needed to use his phone for his job. Ald. Wiezbiskie said it was his opinion that use of a cell phone while driving causes accidents due to inattentive driving.

Atty. Mueller stated the City Attorney's Office is not taking a position on this item as there is already a State law regarding texting while driving and a State statute regarding inattentive driving.

Discussion followed on what could be considered to cause inattentive driving.

Ald. Tim De Wane questioned that if the City did pass an ordinance such as this how could we make the public aware of it. Capt. Muraski stated he spoke with Wausau officers and they informed him that this information will be posted on signs at various entrances into their city, and as of now they are verbally informing the public of this ordinance and currently just issuing warnings.

Ald. Steuer opened the floor without objection.

Peter Beth, 1589 Kennedy Drive, appeared and stated he supports this 100%. He is a licensed driving instructor and has worked 12 years part-time. He has spent thousands of hours in car with young students, and has noticed that the amount of cell phone use is approaching the point where it is as hazardous as drinking and driving. Mr. Beth stated that Wausau has passed this, if Green Bay chooses to do so then maybe surrounding communities will also want to and then it can become a State law. Mr. Beth stated that the forfeiture should be higher than the \$40 Wausau is charging and even more for a second violation because it will make people think twice before doing it again. Passing this ordinance could save lives.

Ald. Tim De Wane inquired if we passed this ordinance if points could be taken off an individual driver's license. Atty. Mueller replied for any demerit points to be taken off, it has to be a uniform state traffic law.

Ald. Steuer asked Capt. Muraski if this ordinance passed, how would it affect the GBPD. Capt. Muraski replied that he spoke with a Wausau police supervisor and they stated they already pulled over three individuals today. Capt. Muraski wanted to clarify that Wausau's charge of \$40 is only a base fee, with court costs the citation could end up costing \$114. The GBPD would already stop a vehicle that is weaving or where the driver appears to be driving inattentive and holding an electronic device

Ald. Steuer returned to regular business.

Discussion that followed focused on what type of electronic devices would be included in an ordinance.

Ald. Kocha stated more research should be done showing that the quality of safety has improved with a cell phone ban before an ordinance is developed.

Ald. Tim De Wane asked that a copy of the statute for inattentive driving be distributed to the full council.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to refer to staff the request by Ald. Wiezbiskie to develop an ordinance similar to the City of Wausau with regards to the use of cell phones and other handheld electronic devices while driving. Motion carried.

9. Request by staff to amend Green Bay Municipal Code §6.21 relating to public vehicle operator licensing.

Atty. Mueller distributed a draft copy of the amendments to Green Bay Municipal Code Section 6.21 and stated some of the changes were due to complaints the City has received relating to taxicabs. Atty. Mueller briefly reviewed the changes: Section 2 amends the fee for a taxicab operator license. Section 3 amends the fee for a Taxicab Business License and the vehicle inspection fee. These rates are comparable to surrounding municipalities. Section 3(f) under 5(d) has changed as well; rates must now be displayed on the exterior of the vehicle with print large enough to be viewed by the public. Rates were previously posted in the interior of the cab. After the vehicle has passed all requirements, a sticker will be affixed to the vehicle.

Atty. Mueller stated that the main change under 4(b) requires drivers to attend a hospitality training which will be conducted quarterly by the Visitors Convention Bureau. Drivers will receive a 90-day temporary license, upon completion of this training they will receive their permanent license. The City Attorney's Office suggests this training be taken annually, however the Committee can decide this. It is felt that this training will increase visitors to downtown and touring our community.

Ald. Steuer opened the floor without objection.

Julie Gerseck, 1036 S. Mancina Circle, appeared and stated she is the Director of Tourism for the Greater Green Bay Convention and Visitors Bureau (GGBCVB). They highly support the hospitality training for taxicab drivers. This type of training is done throughout the country and they are happy to partner with the City for quarterly training. Many times cab drivers are the first and last impression visitors get of Green Bay. They would train the cab drivers on how to

inform visitors of the City's top attractions, current events and fun facts of Green Bay as well as direct them on how to get to these places. Training will be approximately 1-1/2 hours long, and handouts will be distributed to drivers along with extras to hand out to their customers. The cost factor hasn't yet been determined, but would be minimal.

Mayor Schmitt appeared and stated that there will not be any cost to the cab drivers for this training. The City has been working on making changes to this ordinance for awhile now and it's the right thing to do. Sharing their knowledge about the City and its community, with passengers, may also increase the cab drivers gratuity.

Ald. Wiezbiskie stated that the fees charged by taxi companies should be standardized into a uniform fee. Atty. Mueller stated that if a communication is made to that effect it could be looked into.

Ald. Kocha appeared and stated that she doesn't believe that the government has the right to tell a business how much they can charge.

Gordon Wilker, 1224 S. Greenwood Avenue, appeared and inquired if De Pere and Ashwaubenon have a similar ordinance that is being proposed. Atty. Mueller replied there are similarities as well as differences. Mr. Wilker inquired why Green Bay cab companies have to take this training when cab companies from other municipalities that come into the City don't have to have it. He believes increasing fees because of the hospitality training is going to create a disservice. Atty. Mueller replied that the hospitality training has nothing at all to do with the increased fees. Mr. Wilker stated the application fees we charge should be comparable to the nearby communities. Atty. Mueller replied that they are. Mr. Wilker stated that raising the rates and enforcing the hospitality training decreases opportunities for cab drivers. Ald. Steuer replied that he agrees with the Mayor when he said that the more knowledge cab drivers can impart regarding the City onto their customers may actually increase their tips.

Ald. Steuer returned to regular order of business.

Ald. Boyce inquired if cab companies who operate in the county can be required to take this training. Atty. Mueller stated if the majority of their business is inside the City limits, then yes they would be required; however we cannot enforce this County wide. Ald. Boyce suggested contacting the County to see if they would work with the City on enforcing this County-wide.

Ald. Brunette inquired if there is a limited number of cab driver licenses allowed in the City and if cab companies have been contacted regarding hospitality training. Atty. Mueller replied that the City doesn't limit the number of drivers and there are approximately 19 companies currently operating in the City. Notification has not been personally made with these companies. Ald. Brunette

stated that Green Bay is becoming a tourist attraction, and it his opinion that it would benefit the City to have the cab drivers takes this training. He would like to approve this ordinance, however he would like to amend it to include that there will not be a cost associated with this training.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the draft ordinance regarding taxicab licensing with an amendment to Section (4)(b) stating that the hospitality training shall be at no cost to the licensee. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to adjourn the meeting at 6:00 p.m. Motion carried.

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